

1<sup>st</sup> September 2016

To all Duty Solicitors on Rotherham and Sheffield Magistrates' Court Duty Schemes & Doncaster Court Duty Solicitors for Information
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Dear Duty Solicitor

### **Consultation response on duty solicitor arrangements following closure of Rotherham Magistrates' Court**

Further to my letter dated 15th July 2016 this is the Legal Aid Agency's response to the consultation regarding the closure of Rotherham Magistrates' Court on 30th September 2016.

This closure will impact on the Sheffield Magistrates' Court Duty Solicitor Scheme, as after this date cases will be dealt with at Sheffield Magistrates' Court and also Doncaster Magistrates' Court as Saturday and Bank Holiday work from Rotherham is currently dealt with at Doncaster. It is worth noting that there is no intention that Rotherham work will be listed separately at Sheffield; cases will be listed and heard in accordance with anticipated plea and not where the offences were committed.

The options set out in the consultation were:

Option 1 – Amend the scheme boundaries for the Sheffield Magistrates' Court Duty scheme allowing Duty Solicitors who are currently members of the Rotherham Magistrates' Court Duty scheme to become members of the Sheffield Magistrates' Court Duty scheme from 1st October 2016.

Option 2 – Make no change to the scheme boundaries in place at present, ie Court Duty at Rotherham will cease to exist after 30th September 2016 and providers currently eligible for membership of the Sheffield Magistrates' Court Duty Scheme will continue to access duty slots on the Sheffield Court Duty rota along with any extra slots as a result of the change from 1st October 2016.

### **Summary of responses received**

Two responses were received, both of which expressed a preference for Option 1. One of the responses raised the issue of volumes of work at Sheffield and the change to custody suite arrangements. For the avoidance of doubt police station duty schemes are not affected by this consultation but we will consider whether any further consultation is required in this regard.

### **Consultation Outcome**

As detailed above, the consultation responses received expressed a preference for Option 1. We will therefore take the necessary steps to implement this option.

### **Impact on affected Duty Solicitor Schemes**

The Duty Scheme members currently eligible for the Rotherham Magistrates' Court Duty Scheme will be automatically eligible to undertake court duty work at Sheffield Magistrates' Court from 1st October 2016.

Due to the increase in work at Sheffield, we plan to increase the number of duty solicitor slots during this rota period and will monitor performance closely. Similarly, we will consider whether the Saturday and Bank Holiday rotas at Doncaster require amendment as Rotherham work will no longer be dealt with there.

Duty solicitor work at Sheffield Magistrates' Court is remunerated at the rates set out in the 2013 Criminal Remuneration Regulations and travel time/expenses may only be claimed where the Duty Solicitor is called out or called to return on a day that is not a normal business day.

All providers are reminded of the need to comply in full with the duty requirements set out in 2010 Standard Crime Contract Sections 6 and 10; and in particular the need to ask to be released by the Court when appropriate (paragraph 10.12 refers).

### **Rota Publication**

The Sheffield Court Duty Solicitor rota operational from 1st October 2016 will be issued to reflect the closure of Rotherham Magistrates' Court.

### **Further enquiries**

Should you have any queries or need to discuss this consultation response further you should contact your local Contract Manager at the Leeds Regional Office.